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LLC and We Do Private Label LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BRANDON COPELAND,

Plaintiff,

vs.

POLIQVIN GROUP, a business entity, form  
unknown, POLIQVIN PERFORMANCE  
CENTER 2 LLC, CAROLEEN KANDEL  
A/K/A CAROLEEN KANEL A/K/A  
CAROLEEN JONES, an individual, JAD  
NUTRITION doing business as XTREME  
FORMULATIONS, a business entity, form  
unknown, TOTAL BODY NUTRITION LLC  
doing business as TBN LABS LLC, WE DO  
PRIVATE LABEL LLC, JOHN DOES 1-30,  
ABC CORPORATIONS 1-30 and XYZ  
PARTNERSHIPS 1-30, unidentified individuals,  
corporations and partnerships (fictitious  
designations),

Defendant(s).

Civ. No.: 3:19-cv-20278 (GC/RLS)

**THE TBN DEFENDANTS'  
ANSWER TO CROSSCLAIM**

As and for their answer to the crossclaim asserted by Caroleen Jones Kandel and Poliquin Performance Center 2, LLC d/b/a Poliquin Group (collectively, “the Poliquin Defendants”), Total Body Nutrition, LLC and We Do Private Label LLC (collectively, “the TBN Defendants”), hereby respond as follows:

**GENERAL DENIAL**

1. The TBN Defendants hereby generally deny each and every allegation contained in the Poliquin Defendants' crossclaim and in any future crossclaims, as well as each cause of action contained therein, each paragraph contained therein and each and every part thereof.

2. The TBN Defendants generally deny that the Poliquin Defendants are entitled to any contribution from the TBN Defendants.

3. The TBN Defendants generally deny any act, omission, fault, conduct or liability that would give rise to any claim for contribution.

4. The TBN Defendants deny the crossclaim under the New Jersey Tortfeasors Contribution Act.

5. The TBN Defendants deny the crossclaim under the Comparative Negligence Act.

6. The TBN Defendants deny any liability to the Poliquin Defendants under the doctrine of equitable contribution due to any act, omission, fault, conduct or liability on the part of the TBN Defendants.

**AFFIRMATIVE DEFENSES**

1. Without assuming any burden of proof or persuasion that rests with the Poliquin Defendants, the TBN Defendants hereby repeat, reassert and incorporate by reference the affirmative defenses the TBN Defendants asserted in their respective answers to the Third Amended Complaint in this action.

2. The Court lacks subject matter jurisdiction over the crossclaim.

3. The crossclaim is barred, in whole or in part, by the Poliquin Defendants' failure to join necessary and/or indispensable parties.

4. The crossclaim fails to state a claim upon which relief can be granted.

5. No acts or omissions by the TBN Defendants were the proximate cause of any injury to the plaintiffs or the Poliquin Defendants.

6. The TBN Defendants acted with due care and diligence at all times.

7. The alleged injuries were caused solely by the acts or omissions of other parties, persons or entities, their servants, agents, representatives or employees.

8. Any recovery or other award against the TBN Defendants must be reduced by the percentage of fault of plaintiff and/or other party, and any recovery or other award against the TBN Defendants must be limited to their own percentage of fault, if any.

9. The TBN Defendants join in the affirmative defenses asserted by the other defendants and reserve the right to add further affirmative defenses.

WHEREFORE, the TBN Defendants demand judgment dismissing the crossclaim and granting such other and further relief as this Court deems proper, including attorneys' fees, costs, and disbursements.

Dated: New York, New York  
October 13, 2022

**OLSHAN FROME WOLOSKY LLP**

By: /s/ Scott Shaffer  
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